

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

Burst.com, Inc. v.
Microsoft Corp.,

Civil Action No JFM-02-cv-2952

**BURST.COM, INC.'S NON-OPPOSITION TO MICROSOFT'S MOTION TO FILE A
SURREPLY AND REQUEST TO FILE A RESPONSE**

Burst does not oppose Microsoft's Motion for Leave to File a Surreply. Given that the issues are complex and many assertions in the surreply are contrary to the record even taken in the light most favorable to Microsoft, Burst believes that a short response with supporting record exhibits would be helpful. Therefore, Burst requests leave to submit the attached response.

DATED: March 4, 2005

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PROOF OF SERVICE

I am employed in the State of California, County of San Francisco. I am over 18 years of age and am not party to the within action. My business address is One Market, Spear Tower, Suite 2200, San Francisco, California 94105.

On March 4, 2005, I served **BURST.COM, INC.'S NON-OPPOSITION TO MICROSOFT'S MOTION TO FILE A SURREPLY AND REQUEST TO FILE A RESPONSE** upon counsel named below as indicated:

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Executed this 4^h day of March, 2005.

/s/
Jerry Shaw